

EXHIBIT B

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TENNESSEE
3 CASE NO. 3:20-cv-00451-CEA-DCP

4
5 SNMP RESEARCH, INC. and SNMP RESEARCH)
6 INTERNATIONAL, INC.,)
7 Plaintiffs,)
8 vs.)
9 BROADCOM INC., BROCADE COMMUNICATIONS)
10 SYSTEMS LLC, and EXTREME NETWORKS, INC.,)
11 Defendants.) VOLUME: I
12) EXHIBITS: 53-103
13
14

15 VIDEOTAPED DEPOSITION OF EXTREME
16 NETWORKS, INC. BY MICHAEL J. FITZGERALD, called as
17 a witness by and on behalf of the Plaintiffs,
18 pursuant to the applicable provisions of the
19 Federal Rules of Civil Procedure, Rule 30(b)(6),
20 before P. Jodi Ohnemus, RPR, RMR, CRR, CA-CSR
21 #13192, NH-LSR #91, MA-CSR #123193, and Notary
22 Public, within and for the Commonwealth of
23 Massachusetts, at Sherin and Lodgen, 101 Federal
24 Street, Boston, Massachusetts, on Thursday,
25 February 1, 2024, commencing at 8:36 a.m.

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28 PAGES: 1-287
29 PAGES 83-96 ARE MARKED CONFIDENTIAL AND
30 219-221 ARE MARKED HIGHLY CONFIDENTIAL

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3 ALSO PRESENT :

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In-House Counsel for

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(Via Videoconference)

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Jeffrey Case, PhD

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Shawn Budd, Video Operator

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1	A. Nortel acquired Bay Networks. They	08:59:59
2	acquired the entire company.	09:00:01
3	Q. Yes. And so the E -- then did you work	09:00:02
4	with the ERS products at -- at Nortel Networks?	09:00:05
5	A. Again, in -- in an associated	09:00:08
6	responsibility. I never was directly responsible	09:00:12
7	for them, but I was responsible for product --	09:00:14
8	products in the network portfolio that were	09:00:18
9	related -- that were used in conjunction with the	09:00:20
10	ERS products.	09:00:23
11	Q. Okay. And did you work with SNMP Research	09:00:26
12	software when you were at Nortel Networks?	09:00:29
13	MR. PRABHAKAR: Objection. Form.	09:00:32
14	A. I never personally worked with SNMP	09:00:33
15	Research software.	09:00:36
16	Q. Were you familiar with SNMP Research	09:00:36
17	software when you were at Nortel Networks?	09:00:38
18	MR. PRABHAKAR: Objection. Form.	09:00:41
19	A. No.	09:00:47
20	Q. Okay. And, then, after Nortel you went to	09:00:51
21	Avaya; correct?	09:00:58
22	A. Avaya purchased the enterprise division	09:00:59
23	from Nortel in which the entire network and	09:01:03
24	portfolio was part of that, and I went with that	09:01:05
25	transition from Nortel to Avaya, yes.	09:01:07

1	Q. Okay. And then when you were at Avaya	09:01:10
2	were you familiar with SNMP Research software	09:01:15
3	that's used in some of the Avaya products?	09:01:18
4	MR. PRABHAKAR: Objection. Form.	09:01:20
5	A. I was -- I became aware of it -- I became	09:01:21
6	aware of it at Avaya, yes.	09:01:30
7	Q. Okay.	09:01:32
8	A. Yeah.	09:01:32
9	Q. And the ERS products also transferred to	09:01:35
10	Avaya --	09:01:38
11	A. Yes.	09:01:39
12	Q. -- when Avaya purchased the assets from	09:01:39
13	Nortel?	09:01:42
14	A. Yes.	09:01:42
15	Q. Okay. Now, what were your -- what were	09:01:49
16	your duties at Avaya?	09:01:52
17	MR. PRABHAKAR: Objection. Form.	09:01:55
18	A. Again, I'm just confirming the dates.	09:01:59
19	MR. PRABHAKAR: Let the record reflect the	09:02:05
20	witness is looking at Exhibit 54.	09:02:06
21	A. (Witness reviews document.) So product --	09:02:13
22	product management. So at Avaya my role was	09:02:16
23	product management.	09:02:19
24	Q. What does a product manager do?	09:02:22
25	A. We're -- a product manager is responsible	09:02:28

1	for defining products from the concept phase,	09:02:30
2	writing high-level requirements for a new product	09:02:32
3	or for an evolving product; working with	09:02:36
4	engineering and operations and finance and all	09:02:40
5	groups across the company to bring a product	09:02:45
6	through development to market; and then, once the	09:02:48
7	product's released, to manage that product and	09:02:51
8	market and, when necessary, bring the product to	09:02:54
9	end of sales, end of life, at the end of its	09:02:57
10	product life cycle.	09:02:59
11	Q. Okay.	09:03:00
12	A. So you could argue it's cradle to grave	09:03:00
13	ownership of a product set.	09:03:03
14	Q. And what -- what products were you the	09:03:07
15	product manager for at Avaya?	09:03:09
16	A. To the best of my recollection, the -- a	09:03:11
17	router portfolio, branded secure router. There	09:03:19
18	were other ancillary products in there that their	09:03:26
19	life cycles overlapped between Nortel and Avaya.	09:03:31
20	The VPN gateway was a product that I was	09:03:33
21	responsible for a period of time, VPN router was a	09:03:36
22	product that I was responsible for a period of	09:03:40
23	time.	09:03:42
24	Q. What was the name of the router portfolio	09:03:43
25	products?	09:03:45

1	MR. PRABHAKAR: Objection.	09:03:47
2	Q. The router portfolio, what were the brand	09:03:48
3	names for those products?	09:03:50
4	MR. PRABHAKAR: Same objection.	09:03:51
5	A. Secure router.	09:03:52
6	THE WITNESS: Oh, I'm sorry.	09:03:53
7	A. Secure router.	09:03:54
8	Q. Okay. So were you product manager for the	09:03:55
9	ERS products?	09:03:57
10	A. Not to any of my recollections, no.	09:04:00
11	Q. Okay. And then did Avaya sell products to	09:04:03
12	Extreme?	09:04:19
13	Did Avaya sell asset -- let me rephrase	09:04:23
14	that.	09:04:25
15	Did Avaya sell assets to Extreme?	09:04:26
16	MR. PRABHAKAR: Objection. Form.	09:04:28
17	A. So Avaya sold the networking product set	09:04:29
18	portfolio to Extreme Networks.	09:04:36
19	Q. Okay. And, then, did you -- is that the	09:04:36
20	point when you transferred over to Extreme?	09:04:42
21	A. Yes.	09:04:44
22	Q. Okay. And that transfer included the ERS	09:04:53
23	products --	09:04:55
24	A. Yes.	09:04:56
25	Q. -- is that correct?	09:04:57

1	Did you have any interaction with the	09:04:59
2	presence of SNMP Research software in the ERS	09:05:06
3	products as a part of that transition?	09:05:09
4	MR. PRABHAKAR: Objection. Vague as to	09:05:11
5	"presence."	09:05:14
6	A. Can you clarify? What do you mean by	09:05:17
7	involved during the transition?	09:05:20
8	Q. So you're aware SNMP Research software	09:05:24
9	was -- was present in the ERS products; correct?	09:05:29
10	A. Yes.	09:05:32
11	Q. Okay. And those ERS products were	09:05:34
12	transferred from Avaya to Extreme --	09:05:36
13	A. Yes.	09:05:38
14	Q. -- right?	09:05:39
15	Were there any issues in the transfer from	09:05:43
16	Avaya to Extreme related to SNMP Research software?	09:05:46
17	Q. Of those products?	09:05:52
18	MR. PRABHAKAR: Apologies. So since we	09:05:53
19	seem to be off Exhibit 54, I'm going to object to	09:05:55
20	that on the grounds of scope and also vague as to	09:05:59
21	"issues."	09:06:03
22	A. To the best of my knowledge, no SNMP	09:06:06
23	Research software was acquired in the ERS portfolio	09:06:08
24	by Avaya -- by -- by Extreme Networks, nor was any	09:06:15
25	of the software that previously included SNMP	09:06:19

1	Research in the ERS portfolio acquired by Extreme	09:06:23
2	Networks, posted by Extreme Networks, or used by	09:06:27
3	Extreme Networks at any time.	09:06:30
4	Q. Now, can you describe your duties at	09:06:38
5	Extreme today?	09:06:40
6	A. I have two roles: One is the -- I own the	09:06:44
7	optical portfolio that we described, which is	09:06:48
8	ownership of all products within that portfolio as	09:06:51
9	product manager with the roles that I described.	09:06:55
10	I also lead and manage virtually all	09:06:58
11	cross-functional major initiatives that require	09:07:04
12	product management interacting with other	09:07:07
13	organizations to define and execute new	09:07:10
14	initiatives, new strategies, and -- and	09:07:14
15	cross-functional, cross-organizational projects.	09:07:18
16	Q. Okay.	09:07:41
17	MR. WOOD: This will be Exhibit 55.	09:07:41
18	(Exhibit 55, email, 10/19/2022,	09:07:49
19	EXTREME-01081635-636.)	09:08:06
20	Q. Mr. Fitzgerald, do you recognize this	09:08:06
21	email?	09:08:08
22	A. (Witness reviews document.) I believe I	09:08:24
23	wrote it. Again --	09:08:47
24	Q. Okay.	09:08:50
25	A. -- you've provided it to me, I'll assume	09:08:50